

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
THOMASVILLE DIVISION**

MARCO HAYES

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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Criminal Action No. 6.03-cr-20 (HL)

ORDER

Before the Court is a Motion for Reconsideration (Doc. # 265) filed by Petitioner Marco Hayes (“Hayes”). In it, Hayes contends that to date he has never received a complete copy of the Recommendation (Doc. # 258) filed by the United States Magistrate Judge on December 22, 2005. Hayes argues that it was as a result of this failure to ever receive a complete report that he failed to file any Objections to the Recommendation, and he prays that the Court allow him the opportunity to file such Objections.

Despite the fact that the record in Hayes’ case reflects the clerk’s office has twice served Hayes with the United States Magistrate Judge’s Recommendation from December 22, 2005,¹ the Court directs the clerk’s office to serve Hayes with the Recommendation a third time, as well as a copy of this Order. The Court makes this order in an effort to exercise an overabundance of caution. Furthermore, Hayes may serve and file written objections to the

¹ The record reflects Certificates of Service from December 23, 2005 and January 5, 2006.

Recommendation with the Court within ten (10) days after being served with a copy hereof. Upon receipt of timely objections, the Court will consider them to determine whether to set aside its earlier adoption of the Recommendation.

Accordingly, Hayes' Motion (Doc. # 265) is granted in part, in so much as it requests an opportunity for Hayes to file such objections. However, Hayes' Motion (Doc. # 265) is denied to the extent that he requests that his § 2255 Motion be "reinstated."

SO ORDERED, this the 29th day of March, 2006.

s/ **Hugh Lawson**

HUGH LAWSON, JUDGE

pdl